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AUG 19 2021
Scott G. Weber, Clerk, Clark Co

SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR COUNTY OF CLARK

JEFFREY BETHUNE

Plaintiff,

v.

The City of Washougal; a political
subdivision of the State of Washington,
Chief of police Wendi Steinbronn in her
individual and official capacity, Officer
Francis Reagan individually and in his
official capacity as Police Officer for
City of Washougal

Defendants.

NO. 21 2 01573 06

COMPLAINT FOR DAMAGES,
DECLARATORY RELIEF
42 USC §1981, 1983, 1985, 1986 &
1988

[JURY TRIAL DEMANDED]

Plaintiff JEFFREY BETHUNE, by and through his attorneys Josephine C. Townsend ,
hereby requests a trial by jury and alleges:

I. PARTIES

1. JEFFREY BETHUNE was and is, at all times material hereto, an individual
residing in Clark County, Washington

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1 2. Defendants City of Washougal is a municipal corporations and at all times the
2 employer of individual defendants. On information and belief, the City of Washougal
3 and Chief Wendi Steinbronn share management, policy making, training, oversight and
4 other responsibilities for the Officer Francis Reagan.

5 3. Defendant Wendi Steinbronn was at all times material hereto the Chief of Police
6 for Washougal Police Department. Chief Steinbronn supervised criminal prosecution
7 matters for the Washougal Police Department and was a policy maker for the Washougal
8 Police Department. Wendi Steinbronn is being sued individually and in her official
9 capacity.

10 4. Defendant FRANCIS REAGAN was at all times material hereto a police officer
11 for the Washougal Police Department and responsible for the criminal investigation of
12 Plaintiff. Francis Reagan is being sued individually and in his official capacity.

13 5. Each and all of the acts of the individual defendants alleged herein were done by
14 the individual defendants under color of law, to wit, under the color and pretense of
15 statutes, ordinances, regulations, customs, policies and usages of the State of Washington,
16 the City of Washougal, Washington, and the County of Clark.

17 6. At all times herein relevant, the individual defendants were acting within the
18 scope of their employment.

19 7. At all times relevant, the City of Washougal its agents, officers and employees,
20 including Wendi Steinbronn and Francis Reagan, acted jointly and in concert with the
21 other Defendants to pursue the investigation and prosecution of charges brought against
22 Plaintiff for alleged crimes and offenses of a theft of a firearm.

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II. JURISDICTION AND VENUE

8. Defendants are individuals and/or political subdivisions of the state of Washington. All of the unlawful acts and practices occurred in Clark County, Washington. Subject matter jurisdiction, personal jurisdiction, and venue are properly before this Court.

9. The acts and constitutional violations alleged herein were committed within Clark County, Washington.

10. This action arises under the United States Constitution, particularly under the provisions of the First, Fourth and Fourteenth Amendments to the Constitution of the United States, and under federal law, particularly Title 42 of the United States Code, §§ 1981, 1983, 1985, 1986 and 1988.

11. This Court has jurisdiction of this case under and by virtue of Title 28 of the United States Code, §§1331, 1342(4) and 1343.

III. COMPLIANCE WITH RCW 4.96

12. Plaintiff delivered Tort Claim notices to City of Washougal at least 60 days in advance of this filing of the complaint. Plaintiff intends to add pendent state claims at such time as allowed under RCW chapter 4.96.

IV. INTRODUCTION

13. This is an action for declaratory relief and money damages to redress the deprivation by defendants, acting under color of statute, ordinance, regulation, custom and/or usage, of rights, privileges or immunities secured to plaintiff by the First, Fourth and Fourteenth Amendments to the Constitution of the United States of America with

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1 intent to deny plaintiff his civil rights, all of which arise under State and Federal Law, in
2 violation of Title 42 U.S.C. §§ 1981, 1983, 1985, 1986 and 1988, and the Constitutions,
3 laws and statutes of the United States and the State of Washington.

4 V. FACTS

5 14. On October 20, 2019, Plaintiff was arrested by Officer Francis Reagan and
6 charged by the Washougal Police Department of three counts of theft of a firearm.

7 15. Plaintiff's name was entered into the court system as a defendant on October 20,
8 2019, and his charges became public record.

9 16. Officer Reagan failed to conduct collateral interviews and failed to follow the
10 basic investigation Protocols before placing these charges against the Plaintiff.

11 17. Prosecutors in the Clark County Prosecutor's office dismissed the charges which
12 were lodged against Plaintiff on January 9, 2020.

13 18. Defendant Francis Reagan falsely wrote and issued defamatory statements
14 regarding the Plaintiff which left false impressions regarding his reputation and harmed
15 his liberty interests.

16
17 VI. FIRST CLAIM FOR RELIEF

18 Denial of Civil Rights Pursuant to 42 U.S.C. § 1983

19 19. Plaintiff re-alleges and incorporates each and every allegation contained in
20 paragraphs "1" through "18".

21 20. As the result of the actions of the defendants as described herein, Plaintiff was
22 subjected to the deprivation of rights, privileges and/or immunities secured by the United

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1 States Constitution and laws of this State and the United States and has been damaged
2 thereby. Plaintiff's rights, privileges and immunities deprived by defendants include, but
3 are not limited to:

- 4 (a) Right to due process of law;
- 5 (b) Right to freedom from unlawful search and seizure;
- 6 (c) Right to equal protection under the laws;
- 7 (d) Right to freedom from false arrest;
- 8 (e) Right to freedom from unlawful imprisonment; and
- 9 (f) Right to freedom from malicious abuse of process.

10 21. As a direct result of the actions of defendants described herein, Plaintiff suffered
11 damages including but not limited to loss of income and earnings, loss of earning
12 capacity, mental suffering, damage to his relationship with his children, embarrassment,
13 humiliation, loss of enjoyment of life, fear, expenses for legal fees and costs and other
14 out-of-pocket expenses.

15 22. Plaintiff is entitled to recover from each defendant, jointly and severally, for his
16 damages, reasonable costs and attorney fees.

17 VII. SECOND CLAIM FOR RELIEF

18 Unconstitutional Custom, Practice or Policy (Municipal Liability under *Monell*)

19 23. Plaintiff re-alleges and incorporates each and every allegation contained in
20 paragraphs "1" through "22".

21 24. Upon information and belief, the City of Washougal and their policy makers
22 condoned, permitted, encouraged and/or ratified a departmental policy, practice and/or

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1 custom permitting police officers and the City of Washougal to unlawfully arrest and
2 detain citizens without probable cause, and unlawfully commence and maintain criminal
3 prosecutions against citizens.

4 25. Defendants acted with deliberate indifference to the rights of citizens with whom
5 municipal employees were known to come into contact by failing to investigate and act
6 upon allegations of citizens charged by the Washougal Police Department of filing false
7 or unsubstantiated charges, commencing and maintaining criminal prosecutions against
8 citizens without probable cause.

9 26. Pursuant to policy or custom, City of Washougal, Wendi Steinbronn and Francis
10 Reagan ratified or tacitly authorized the unconstitutional actions of the employees of the
11 City of Washougal.

12 27. As a result of the deliberate indifference toward his constitutional rights and as a
13 result of the customs and practices described herein, Plaintiff suffered the constitutional
14 deprivations and damages described above and is entitled to recover from each defendant,
15 jointly and severally, for his damages, reasonable costs and attorney fees.

16
17 VIII. THIRD CLAIM FOR RELIEF
Failure to Train (Municipal Liability under *Monell*)

18 28. Plaintiff re-alleges and incorporates each and every allegation contained in
19 paragraphs "1" through "27".

20 29. Upon information and belief, City of Washougal, Wendi Steinbronn and Francis
21 Reagan are responsible for establishing, instituting and enforcing the policies, ordinances,
22

1 regulations, customs and practices of the City of Washougal insofar as relates to their
2 individual responsibilities in the police department.

3 30. The actions of the defendants as above alleged, include but are not
4 limited to:

5 (a) arresting (or causing to be arrested) citizens without probable cause to believe
6 that a crime had been committed or that the citizens being arrested had committed
7 any crime;

8 (b) failing to reasonably investigate whether a crime had been committed before
9 arresting and detaining citizens; including failing to investigate exculpatory
10 evidence;

11 (c) using their positions as police officers or prosecutors to intimidate and threaten
12 citizens and using their power to commence criminal actions against citizens in
13 order to attain personal goals and objectives;

14 (d) failing to intervene in the unconstitutional acts of co-employees and
15 subordinates;

16 (e) failing to train and failing to assure compliance with training of employees,
17 co-workers and subordinates in the proper techniques of investigation of charges
18 of sexual conduct with minors and for taking official action such as arrest and
19 prosecution in such cases;

20 (e) assisting and ratifying the unconstitutional acts of co-employees and
21 subordinates described herein.
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1 (f) failing to terminate the criminal prosecution of citizens, including plaintiff ,
2 upon learning facts showing a lack of probable cause to continue the prosecution.
3 (g) Failed to utilize established protocols in the investigation and corroborating
4 criminal complaints before arresting alleged defendants.

5 31. The above named defendants acted with deliberate indifference to the rights of the
6 citizens to whom its employees were known to come into contact, including the plaintiff,
7 by failing to properly train their employees to avoid improper actions which would likely
8 cause constitutional deprivations.

9 32. The above named Defendants acted with deliberate indifference to the
10 constitutional rights of the Plaintiff by maintaining a policy, practice or custom allowing
11 unconstitutional acts and by failing to train their employees with regard to proper and
12 lawful procedures in declaring conflicts of interests, corroborating criminal complaints,
13 making inquiries and arrests of citizens and commencing and maintaining criminal
14 prosecutions against citizens, knowing or having reason to know that the policy, practice
15 or custom and the failure to properly train their employees would result in a deprivation
16 of the constitutional rights of the citizenry.

17 33. As a result of the deliberate acts and failures to act, customs and practices of
18 Defendants described herein, Plaintiff suffered the constitutional deprivations and
19 damages described above.

20 34. Plaintiff is entitled to recover from each defendant, jointly and severally, for his
21 damages, reasonable costs and attorney fees.
22

IX. FOURTH CLAIM FOR RELIEF
Failure to Supervise (Municipal Liability under *Monell*)

35. Plaintiff re-alleges and incorporates each and every allegation contained in paragraphs "1" through "34".

36. The actions and failures to act of the defendants as described herein included the failure to adequately supervise co-workers and subordinates.

37. As a result of the deliberate acts and failures to act, failure to supervise, and customs and practices of Defendants described herein, Plaintiff suffered the constitutional deprivations and damages described above.

38. Plaintiff is entitled to recover from each defendant, jointly and severally, for his damages, reasonable costs and attorney fees.

X. FIFTH CLAIM FOR RELIEF

(NEGLIGENCE)

39. Plaintiff re-alleges and incorporates each and every allegation contained in paragraphs "1" through "38".

40. The actions and failures to act of the defendants as described herein included negligence in their performance of their official duties;

41. As a result of the negligent acts and failures to act, of Defendants described herein, Plaintiff suffered the constitutional deprivations and damages described above.

XI. SIXTH CLAIM FOR RELIEF

DEFAMATION

1 42. Plaintiff re-alleges and incorporates each and every allegation contained in
2 paragraphs "1" through "41".

3 43. Defendant Francis Reagan made false and defamatory statements regarding
4 Plaintiff;

5 44. Defendant Francis Reagan knew or should have known that the information
6 contained within his report and probable cause statement were incorrect, false, without
7 corroboration and that such information including the arrest of Plaintiff would cause
8 damage to his reputation;

9 45. Defendant Francis Reagan, falsely reported that Plaintiff had committed felony
10 crimes

11 46. Plaintiff suffered damages as a result of the libel and slander committed by
12 Defendant Francis Reagan.
13

14 WHEREFORE, plaintiff demands judgment against the defendants as follows:

15 1. A determination and declaration from the court that the policies and procedures
16 outlined above violated the rights, privileges or immunities secured to plaintiff by the
17 First, Fourth and Fourteenth Amendments to the Constitution of the United States of
18 America and the laws and constitution of the State of Washington, and enjoining and
19 directing defendants to correct their procedures and practices to bring into conformity
20 with generally accepted practices and procedures;

21 2. Against each defendant, jointly and severally, for all special, general and
22 compensatory damages on each of Plaintiff's claims in amounts to be proven at trial.

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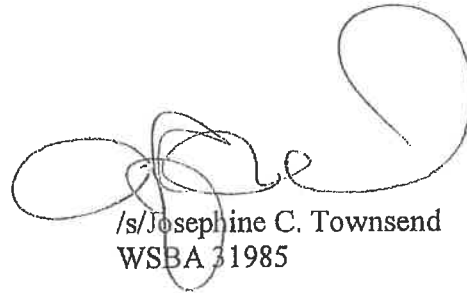
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1 3. Against the individual defendants and municipal defendants for punitive and
2 exemplary damages, and for attorney fees and costs under the Civil Rights Act, 42 U.S.C.
3 Section 1983 and 1985, et. seq. and 42 U.S.C. Section 1988.

4 4. For such other and further relief as this court deems just, proper, and equitable.

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6 Dated this 18 day of August 2021

7 Attorneys for Plaintiff:


/s/Josephine C. Townsend
WSBA #31985

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**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR CLARK COUNTY**

Jeffrey Bethune

Plaintiff/Petitioner,

v.

The City of Washougal, et al.

Defendant/Respondent.

) No. 21-2-01573-06

)

) NOTICE OF ASSIGNMENT TO JUDICIAL

) DEPARTMENT AND SETTING SCHEDULING

) CONFERENCE DATE (LR40(C))

)

) Judge:

David E. Gregerson

) Department:

2

Notice to Plaintiff/Petitioner(s):

- Case filed, then served: Plaintiff(s)/Petitioner(s) shall serve on all parties a copy of this Notice of Assignment to Judicial Department on the Defendant(s)/Respondent(s) along with a copy of the Summons and Complaint.
- Case served, then filed: Plaintiff(s)/Petitioner(s) shall serve on all parties a copy of this Notice of Assignment to Judicial Department within ten (10) days of filing.
- Service by publication pursuant to court order: Plaintiff(s)/Petitioner(s) shall serve on all parties a copy of this Notice of Assignment to Judicial Department within ten (10) days of the Defendant(s)/Respondent(s) first response or appearance.

Failure to appear on the date below may result in dismissal of the case by the Court.

Mandatory Scheduling Conference Date: 12/17/2021 at 9:00 A.M.

Joint Status Report Due By: 12/13/2021 (at least 5 days prior to the Scheduling Conference)

At the time of the mandatory hearing, the Court will adopt a Case Scheduling Order which will include the trial date.

At least 5 days prior to the Scheduling Conference a Joint Status Report must be filed with a courtesy copy provided to the assigned judicial department in accordance with LR 40(C)(4).

08/23/2021

Date

s/Josephine C. Townsend

Petitioner or Petitioner's Attorney

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